REMARKS

This is a full and timely response to the final Office Action mailed on January 15, 2004 (Paper No. 8). Claims 56-59, 61, 63-71, 73-79, 81, 83-85 are directly amended and claims 60, 62, 72, 80 and 82 are cancelled. Claims 86-100 are newly added. Claims 56-59, 61, 63-71, 73-79, 81, 83-100 are now pending in the present application. Reconsideration and allowance of the application and presently pending claims are respectfully requested in view of the foregoing remarks.

A.   Priority

In the Office Action, it was alleged that the limitation wherein sequential data supplements are provided responsive to user in a manner that is synchronized with the video presentation cannot be found in the provisional application (60/214,987) and co-pending application 09/590,520. Thus, the claims of the instant application stand to be examined in view of the following data of the instant application October 20, 2000.

Applicants are not addressing the validity of all assertions made by the Examiner regarding the priority of this application. Therefore, Applicants should be not presumed to agree with any statements made by the Examiner regarding the priority of the application unless otherwise specifically indicated by Applicants.

B.   Response to Claim Rejection under 35 U.S.C. §102

In the Office Action, claims 56-61, 64, 66-71, 74, 76-81, and 84 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,184,877, to *Dodson, et al.*

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.,* 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Applicants respectfully traverse the rejection.

    1.   Claims 56 and 66

Claim 56, as amended, recites:

A method implemented by a television set-top-terminal ("STT") configured to receive a video program from a remote server, comprising the steps of:
    providing a selectable option to receive a supplemental stream of data associated with the video program;

receiving viewer input from a viewer, the viewer input
being configured to select the selectable option;

*responsive to receiving the viewer input, receiving via a
tuner in the STT supplemental stream of data and the video
program; and*

*presenting sequential portions of the supplemental stream
of data at respective time intervals corresponding to respective
portions of the video program.*

(Emphasis Added)

Claim 66, as amended, recites:

A television set-top-terminal ("STT") configured to receive
a video program from a remote server, the STT comprising:
memory configured to store program code; and
at least one processor that is programmed by the program
code to enable the STT to:

*provide a selectable option to receive a
supplemental stream of data associated with the video
program;* and

*receive via a tuner the supplemental stream of
data and the video program responsive to the STT
receiving viewer input from a viewer,* the viewer input
being configured to select the selectable option, *wherein
the at least one processor enables sequential portions of
the supplemental stream of data to be presented at a
plurality of respective time intervals corresponding to
respective portions of the video program.*

(Emphasis Added)

In the Office Action, it was alleged that "the Dodson et al. reference discloses a method
whereby a set-top terminal [102] is configured to receive a video presentation associated with
multiple portions or programs from a 'remote server' or cable provider headend. ... The
[Dodson] method involves 'providing a selectable option' [200/300/400] wherein upon
'receiving viewer input from a viewer ... to select the selectable option', the user may receive 'a
plurality of sequential data supplements' [400/500] that 'corresponds to and is synchronized with
the video presentation' such that the additional information is displayed in-synch or during the
presentation and relates to or 'corresponds to' [] [the] presentation. ... [T]he [Dodson] method
meets the claimed limitation wherein it 'provides [a] plurality of sequential data supplements at a

plurality of respective times corresponding to respective portions of the video presentation' [500] wherein each portion of the video presentation may correspond to a different program broadcast at a different time [which] corresponds to different respective 'data supplement' associated with the program" (Page 3-4 of the Office Action, Paper No. 8).

Applicants have amended the claims to include receiving a supplemental stream of data associated with a video program, receiving via a tuner the supplemental stream of data and the video program, and presenting sequential portions of the supplemental stream of data at respective time intervals corresponding to respective portions of the video program, as recited in claims 56 and 66. Applicants respectfully submit that *Dodson* fails to teach and disclose at least the above-emphasized steps/features/elements, as recited in claims 56 and 66.

In fact, *Dodson* apparently discloses a system and method for accessing television program information and searching the Internet on a TV screen for the information (Abstract, *Dodson*). The user can search for information on a television program by inputting search button 212. An overlay 200 appears on the TV screen, which prompts the user to either select search indicator 204 or cancel indicator 202. "If the search indicator 204 is selected, a new overlay 300 appears which can be seen in Fig. 3. The overlay 300 preferably includes automatic search terms to be searched, such as the movie title, actors, and the director. The automatic search terms can be derived in various ways. ... The information associated with that channel and time can be retrieved from the program guide database and displayed on the automatic search terms." (col. 3, lines 8-28).

Dodson apparently allows the user to obtain a search result for the TV program information via the Internet on a TV screen; but the search result is not a supplemental stream of data that is associated with the TV program. Further, *Dodson* apparently does not disclose or teach that the search result and the TV program is received via a tuner and that the search result is not presented at respective time intervals corresponding to respective portions of the TV program. Consequently, Applicants respectfully submit that *Dodson* does not disclose or teach each and every step/feature/element as recited in claims 56 and 66, particularly the above-emphasized steps/features/elements. Accordingly, a prima facie case of anticipation cannot be established. For at least this reason, among others, Applicants respectfully request that claims 56 and 66 be allowed and the rejection be withdrawn.

2.   Claim 76

Claim 76, as amended, recites:

> A system configured to receive a video program from a
> remote server, the system comprising:
>   receiving means for receiving viewer input from a viewer, *the viewer
> input being configured to select an option to receive a supplemental stream of
> data associated with the video program*;
>   *processing means for providing the supplemental stream of data
> substantially simultaneously with the video program responsive to the system
> receiving the viewer input*; and
>   *processing means for enabling the system to receive via a
> tuner the supplemental stream of data and the video program
> responsive to the system receiving the viewer input, wherein the
> processing means enables sequential portions of the
> supplemental stream of data to be presented at a plurality of
> respective time interval corresponding to respective portions of
> the video program.*

(Emphasis Added)

As explained above with reference to claims 56 and 66, *Dodson* apparently allows the user to obtain a search result for the TV program information via the Internet on a TV screen; but the search result is not a supplemental stream of data that is associated with the TV program. Further, *Dodson* apparently does not disclose or teach that providing the search result substantially simultaneously with the TV program responsive to receiving the viewer input. Further, the search result is not presented at respective time intervals corresponding to respective portions of the TV program. Consequently, Applicants respectfully submit that *Dodson* does not disclose or teach each and every step/feature/element as recited in claim 76, particularly the above-emphasized steps/features/elements. Accordingly, a prima facie case of anticipation cannot be established. For at least this reason, among others, Applicants respectfully request that claim 76 be allowed and the rejection be withdrawn.

3.   Claims 57-59, 61, 64, 67-71, 74, 77-79, 81, and 84

Because independent claims 56, 66, and 76 are allowable over the cited art of record, dependent claims 57-59, 61, 64, 67-71, 74, 77-79, 81, and 84 are allowable as a matter of law for at least the reason that dependent claims 57-59, 61, 64, 67-71, 74, 77-79, 81, and 84 contain all steps/features/elements of their respective independent base claims. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Applicant respectfully requests that the rejection to dependent claims 57-59, 61, 64, 67-71, 74, 77-79, 81, and 84 be withdrawn for this reason alone.

4.   Claims 60 and 80

Applicants are not addressing the validity of all assertions made by the Examiner regarding claims 60 and 80 because they are cancelled in this response. Therefore, Applicants should be not presumed to agree with any statements made by the Examiner regarding claims 60 and 80 unless otherwise specifically indicated by Applicants.

C.   Response to Claim Rejection Under 35 U.S.C. §103

In the Office Action, claims 62, 63, 65, 72, 73, 75, 82, 83, and 85 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Dodson*.

It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a single reference, the reference must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Applicants respectfully traverse the rejection.

1.   Claims 63, 65, 73, 75, 83, and 85

Because independent claims 56, 66, and 76 are allowable over the cited art of record, dependent claims 63, 65, 73, 75, 83, and 85 are allowable as a matter of law for at least the reason that dependent claims 63, 65, 73, 75, 83, and 85 contain all features and elements of their respective independent base claims. *See, e.g., In re Fine*, supra. Accordingly, Applicants respectfully request that the rejection to dependent claims 63, 65, 73, 75, 83, and 85 be withdrawn for this reason alone.

2. Claims 62, 72, and 82

Applicants are not addressing the validity of all assertions made by the Examiner regarding claims 62, 72, and 82 because they are cancelled in this response. Therefore, Applicants should be not presumed to agree with any statements made by the Examiner regarding claims 62, 72, and 82 unless otherwise specifically indicated by Applicants.
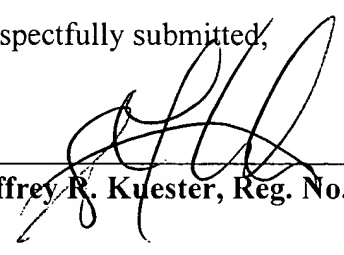
D. Newly Added Claims 86-100

Applicants respectfully submit that cited references fail to disclose, teach, or suggest each and every feature of the newly added claims 86-100. Applicants respectfully request that claims 86-100 be allowed.

CONCLUSION

Applicants respectfully maintain that the currently pending claims 56-59, 61, 63-71, 73-79, 81, 83-100 are in condition for allowance. Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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